

REMARKS

By this amendment, claims 1-4, 7, 10-12, 16, 17, 19, and 20 are amended to clarify the recited subject matter and correct grammatical inconsistencies. Support for the amendments to these claims may be found, for example, on page 5, lines 10-28; page 6, lines 26-35; and in FIGS. 1 and 8 of the specification. No new matter has been added. After entry of this amendment, claims 1-23 will remain pending in the patent application. Reconsideration and allowance of the present application based on the foregoing amendments and following remarks are respectfully requested.

Before addressing the Examiner's objections and rejections, Applicants would like to express appreciation for the Examiner's indication that claim 20 is allowed.

**I. Claim Rejections – 35 U.S.C. §102**

Claims 1, 2, 10 and 16 were rejected under 35 U.S.C. §102(e) based on Fortman *et al.* (U.S. Pat. No. 5,987,100) ("Fortman"). The rejection is respectfully traversed because Fortman does not describe each and every element recited by the rejected claims and, as a result, cannot anticipate these claims.

Claim 1 is patentable over Fortman because this claim recites a method for delivering messages between a wireless terminal using wireless data transmission in a telecommunications system utilizing wireless data transmission and a second party irrespective of the content type of the messages, the method comprising delivering messages through the same message service centre irrespective of the content type of the message, and employing the same protocol for the messages between the wireless terminal and the message service centre. Fortman does not describe a method including these features.

Fortman discloses a universal messaging center or mailbox that notifies subscribers of any type of message that is waiting for them (*e.g.*, voice mail, fax mail, e-mail). (See col. 1, lines 5-8). The subscribers use wireless terminals (identified as the "second party" in the Office Action) to connect to the communications network. Example wireless terminals are PCS wireless (217), PCS mobile (218) and analog/digital cellular (219). These wireless terminals connect to the network via conventional wireless connections (see col. 4, lines 4-6).

In contrast to the claimed invention, Fortman does not teach or suggest, *inter alia*, "employing the same protocol for the messages between the wireless terminal and the message service centre," "irrespective of the content type of the messages." Because the wireless terminals of Fortman connect to the network via conventional wireless connections,

a person of ordinary skill in the art would recognize that text messages are sent to and from each wireless terminal in text message protocol, typically using signaling, while voice messages are sent using a call protocol. Applicants respectfully submit that these two protocols are not the same. Moreover, Fortman expressly teaches a translator (see Table 2 and col. 6, lines 8-19) to translate messages stored on a subscriber's mailbox based on the message content type (*e.g.*, voice, text) and the capabilities of the retrieving device (*i.e.*, wireless terminal). For this additional reason, Fortman fails to teach or suggest that messages are sent between a wireless terminal and message center using the same protocol, irrespective of the content type of the messages.

The Examiner referred to the Internet terminal 216 of Fortman in the Office Action. However, the Internet terminal 216 does not have a wireless connection (see Fig. 2 and col. 4, lines 10-12). Therefore, the Internet terminal 216 of Fortman is not "a wireless terminal using wireless data transmission," as recited by Applicants' claims, and cannot be interpreted as such by the Examiner in evaluating patentability of the claims.

For at least the above reasons, Fortman does not teach or suggest all the features of claim 1. Therefore, Applicants respectfully submit that claim 1 is not anticipated by Fortman and request that the rejection be withdrawn. Claim 2 is patentable over Fortman by virtue of its dependency from claim 1 and for the additional features recited therein.

With regard to claims 10 and 16, Applicants note that these claims are patentable over Fortman for at least the same reasons related to claim 1. Therefore, Fortman does not teach each and every feature recited by claims 10 and 16 and, as a result, cannot anticipate these claims.

Accordingly, reconsideration and withdrawal of the rejection to claims 1, 2, 10 and 16 under 35 U.S.C. §102(e) based on Fortman are respectfully requested.

## **II. Claim Rejections – 35 U.S.C. §103**

### **A. Claims 8 and 19**

Claims 8 and 19 were rejected under 35 U.S.C. §103(a) based on Fortman in view of Farris *et al.* (U.S. Pat. No. 6,574,216) ("Farris"). The rejection is respectfully traversed.

Claim 8 is patentable over Fortman by virtue of its dependency from claim 1 and for the additional features recited therein. It is respectfully submitted that Farris fails to overcome the deficiencies in Fortman discussed in connection with claim 1. Farris discloses a method and a system for monitoring the quality of performance of voice calls routed

through a data packet network. (See col. 4, lines 46-50). In Farris, if quality conditions are determined to be unacceptable in the data packet network, call routing is transferred to a voice telephone network without requiring termination of the call. (See col. 4, lines 56-63). However, Farris is silent about, *inter alia*, the feature of using the same protocol for transferring messages irrespective of the content type of the message. Therefore, even assuming it would have been obvious to combine the cited references, which Applicants do not concede, the combination of Fortman and Farris would not have resulted in the invention of claim 8.

Claim 19 is patentable over Fortman, Farris or a combination thereof for at least the same reasons provided above related to claim 1 or 8.

Accordingly, reconsideration and withdrawal of the rejection to claims 8 and 19 under 35 U.S.C. §103(a) based on Fortman in view of Farris are respectfully requested.

**B. Claims 9, 14 and 18**

Claims 9, 14 and 18 were rejected under 35 U.S.C. §103(a) based on Fortman in view of Ardalan *et al.* (U.S. Pat. No. 6,396,839) ("Ardalan"). The rejection is respectfully traversed.

Claim 9 is patentable over Fortman by virtue of its dependency from claim 1 and for the additional features recited therein. It is respectfully submitted that Ardalan fails to overcome the deficiencies in Fortman discussed in connection with claim 1. As mentioned in Applicants' Amendment of January 30, 2004, Ardalan merely teaches details related to TCP/IP protocol using packets of a particular size for messages. However, Ardalan fails to teach or suggest, *inter alia*, the feature of using the same protocol for transferring messages irrespective of the content type of the message. Therefore, even assuming it would have been obvious to combine the cited references, which Applicants do not concede, the combination of Fortman and Ardalan would not have resulted in the invention of claim 9.

Claim 14 is patentable over Fortman by virtue of its dependency from claim 10 and for the additional features recited therein. As mentioned previously, Ardalan fails to overcome the deficiencies in Fortman discussed in connection with claim 10. Therefore, even assuming it would have been obvious to combine the cited references, which Applicants do not concede, the combination of Fortman and Ardalan would not have resulted in the invention of claim 14.

Claim 18 is patentable over Fortman by virtue of its dependency from claim 16 and for the additional features recited therein. Likewise, Ardalan fails to overcome the deficiencies in Fortman discussed in connection with claim 16. Therefore, even assuming it would have been obvious to combine the cited references, which Applicants do not concede, the combination of Fortman and Ardalan would not have resulted in the invention of claim 18.

Accordingly, reconsideration and withdrawal of the rejection to claims 9, 14 and 18 under 35 U.S.C. §103(a) based on Fortman in view of Ardalan are respectfully requested.

**C. Claim 15**

Claim 15 was rejected under 35 U.S.C. §103(a) based on Fortman in view of Ardalan and further in view of Van Renesse *et al.* (U.S. Pat. No. 6,208,651) ("Van Renesse"). The rejection is respectfully traversed.

Claim 15 is patentable over Fortman, Ardalan or a combination thereof for the same reasons related to claim 10 or 14. That is, claim 15 is patentable over Fortman, Ardalan or a combination thereof because these references fail to teach or suggest, *inter alia*, the feature of using the same protocol for transferring messages irrespective of the content type of the message.

It is respectfully submitted that Van Renesse fails to overcome these deficiencies. As mentioned in the Amendment of January 30, 2004, Van Renesse merely discloses details of packet size checking and unpacking of messages. However, Van Renesse is silent about, *inter alia*, the feature of using the same protocol for transferring messages irrespective of the content type of the message. Therefore, even assuming it would have been obvious to combine the cited references, which Applicants do not concede, the combination of Fortman, Ardalan and Van Renesse would not have resulted in the invention of claim 15.

Accordingly, reconsideration and withdrawal of the rejection to claim 15 under 35 U.S.C. §103(a) based on Fortman in view of Ardalan and further in view of Van Renesse are respectfully requested.

**D. Claims 21 and 23**

Claims 21 and 23 were rejected under 35 U.S.C. §103(a) based on Virtanen (U.S. Pat. No. 6,249,681) in view of Fortman. The rejection is respectfully traversed.

Claim 21 is patentable over Virtanen at least because this claim recites a mobile station comprising a user interface through which the mobile station user can receive messages of at least a first content type and a second content type, the content type indicating the presentation of the message contents, and a controller for receiving messages of at least the first content type and the second content type using the same protocol. As acknowledged in the Office Action, Virtanen fails to teach or suggest the feature of using the same protocol for transferring messages of different content types.

As mentioned in the foregoing discussion, Fortman fails to overcome this deficiency. In particular, Applicants emphasize the fact that Fortman fails to teach or suggest that voice and text is sent to the wireless terminal using the same protocol – either the call protocol or the message protocol. Applicants respectfully submit that Fortman teaches to the contrary. Therefore, even assuming it would have been obvious to combine the cited references, which Applicants do not concede, the combination of Virtanen and Fortman, would not have resulted in the invention of claim 21.

Similarly, claim 23 is patentable over Virtanen at least because this claim recites a mobile station comprising a user interface through which the mobile station user can send messages of at least a first content type and a second content type, the content type indicating the presentation of the message contents, and a controller for sending messages of at least the first content type and the second content type using the same protocol to a second party through the service centre in the same mobile communications system. As acknowledged in the Office Action, Virtanen fails to teach or suggest the feature of using the same protocol for transferring messages of different content types.

As mentioned in the discussion related to claim 1, Fortman fails to overcome this deficiency. Therefore, even assuming it would have been obvious to combine the cited references, which Applicants do not concede, the combination of Virtanen and Fortman, would not have resulted in the invention of claim 23.

Accordingly, reconsideration and withdrawal of the rejection to claims 21 and 23 under 35 U.S.C. §103(a) based on Virtanen in view of Fortman are respectfully requested.

### **III. Allowable Subject Matter**

Claims 3-7, 11-13, 17 and 22 were objected to as being dependent upon a rejected base claim. In view of the foregoing discussion, Applicants note that these claims depend from allowable claims 1, 10, 16 and 21, respectively. Therefore, it is respectfully submitted

that claims 3-7, 11-13, 17 and 22 are allowable. Accordingly, reconsideration and withdrawal of the objection to claims 3-7, 11-13, 17 and 22 are respectfully requested.

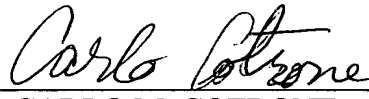
#### IV. Conclusion

All objections and rejections having been addressed, Applicants request issuance of a notice of allowance indicating the allowability of all pending claims. If anything further is necessary to place the application in condition for allowance, Applicants request that the Examiner contact Applicants' undersigned representative at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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